

UNITED STATES DISTRICT COURT Southern DISTRICT OF TEXAS

Plaintiff : Benjamin Oshea Calhoun

Vs.

Defendant : Federal Bureau of Investigation and the United States

Complaint Under Freedom Of Information Act. Inconjunction with The Privacy Act. Of 1974 Seeking Disclosure of Information Wrongfully Withheld

Jurisdiction

1. This court has subject matter jurisdiction over this action under the Freedom of information Act. Inconjunction with The Privacy act. Of 1974 ,5U.S.C. 552(a)(4)(B), (a)(6)(C).

Venue lies in this district under 5U.S.C. 552(a)(4)(B).

In addition, because the claim arises by virtue of the Act., it arises under the laws of the United States and the court has subject matter jurisdiction pursuant to 28U.S.C.1331.

Venue is proper in the Southern District of Texas because plaintiff resides in this district and certaint documents containing the information sought by plaintiff under the Freedom of Information Act. And The Privacy Act. Are located within this district.

PARTIES

2. Plaintiff is a citizen of the United States who resides in the city of Houston , State of Texas.
3. Defendant The Federal Bureau of investigation principal place of business is in Washington,D.C.
4. Defendant United States is made a party to this action pursuant to the provisions of 5U.S.C.702.

5. Defendant Federal Bureau of Investigation is a component of the Department of Justice. The F.B.I. is an agency within the means of 5U.S.C.(f).

Complaint

6. Plaintiff is an private citizen who on 4-11-2012 made an request to the federal bureau of investigation for copies of any and all records which pertain to him which are in the custody, control and care of the f.b.i. pursuant to THE Freedom of information act. Inconjunction with the privacy act. 5 U.S.C. 552.
7. A true and accurate copy of the request is attached to this complaint as plaintiffs exhibit no. 1.
8. Plaintiff has also attached a true and accurate copy of the return receipt to this complaint as plaintiffs exhibit no. 2.
9. FOIA/PA states "Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall-- determine within ten days twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination"
10. Defendant did not respond to the request as of today 9-26-2012.
11. Plaintiff has exhausted its administrative remedies to compel disclosure of such information.
12. Any person making a request to an agency for records under paragraph (1),(2) or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provision of this paragraph. See 5U.S.C.552(a)(6)(C).
13. Under the Freedom of Information Act. And Privacy Act. Plaintiff is entitled to an injunction order compelling the defendants to disclose the information sought by plaintiffs request.
14. Wherefore plaintiff prays that this court enter an judgment:
15. Directing the defendants to release to the plaintiff the material in which plaintiff requested; or without waving his right to inspect, make copies of, and photograph the requested material in the event that the defendant claims that some of the requested material falls within one of the seven exemptions;
16. That the court order an "voughn index" in camera inspection of the requested material and order a judgment that the material that does not fall within the exemptions be released to plaintiff; and
17. For all other relief that may be just and proper.

Date 9-26-2012

signature of pro se plaintiff

Benjamin J. Calhoun

PLAINTIFF'S ADDRESS

PHONE NO. 713 694 6899

8510 N. MAIN ST.

HOUSTON, TX, 77022

4-19-2012

FOIA/PA Request

This is a Request for a copy of any and all records which pertain to me that are in the custody, control or care of the FEDERAL Bureau of Investigation Pursuant to the Freedom Of information Act. In conjunction with the Privacy Act. Of 1974.(title 5 United States Code Section 552)

Dear, Sir or Madam

I request a copy of any and all records referencing me that are maintained by your agency, including (But not limited to) documents, reports, memoranda, letters, criminal records, electronic files, date base references "do not file files," ope consillio" files, county court files referencing me that are maintained by your agency, "p and c" files, photographs, audio, tapes, videotapes, electronic (ELSUR) or photographic surveillance, "june mail" files, mail covers, trash covers, trash covers, and files. A copy of any and all applications for and order for the interception of oral , wire, or electronic communication of me or other persons who were the subject of electronic eavesdropping and overheard during the course of any investigation directly relating to me. The date the device was installed and the date the device was disconnected. In order to assist your search for these files I offer you the following information about myself. My date of birth is 11-18-1976. My social security number is 461-39-0664. My mailing address is 8510 N. Main St. Houston, Tx. 77022. FOIA/PA regulations provide that even if some requested material is properly exempt from mandatory disclosure, all segregable portions must be released. If the requested material is released with deletions, I ask that each deletion be marked to indicate the exemption(s) being claimed to authorize each particular withholding. I agree to pay reasonable cost associated with this request up to a maximum os \$50. With out my additional approval. As provided in the Freedom of information act. I will expect to receive a reply within (20) working days.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. section 1001 by a fine of not more than 10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false presences is punishable under the

Provisions of 5 U.S.C . 552a(i)(3) by a fine of not more than 5,000.

Executed on 4-19-2012

signature

Benny Star Gull

UNITED STATES POSTAL SERVICE



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Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

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HOUSTON, TX. 77032

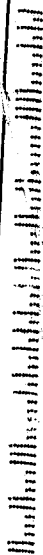


Exhibit No. 2

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

F.B.I., FOIA OFFICE
935 PENNSYLVANIA AVE.
WASHINGTON, D.C. 20535

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent
- B. Received by (Printed Name) ☐ Addressee
Dw Jones / LS
- C. Date of Delivery
5-9-12
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

2. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7011 1150 0000 6607 6487

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540